

**TOWN OF DAVIE  
OPEN SPACE ADVISORY COMMITTEE (OSAC)  
TUESDAY, JULY 28, 2008 - 7:30 P.M.  
ROBBINS LODGE  
4005 HIATUS ROAD, DAVIE, FLORIDA**

**MEMBERS PRESENT**

Joyce Steward, Chair  
Linda Greck, Vice Chair  
Christina Pellicane  
Donald Burgess  
Frances Steier  
Paul Greenbaum

**MEMBERS ABSENT**

Toni Webb  
Janice Carey  
Casey Lee  
John Capazolli

**STAFF AND GUESTS PRESENT**

Tim Lee, Urban Forester, Town of Davie  
Phillip Holste, Program Manager, Town of Davie  
Manny Diez, Public Works Director, Town of Davie  
Michael Mungal, Assistant Engineer, Town of Davie  
Kathy Cox, Trustee, South Florida Trail Riders of Broward  
Hilda Testa, Recording Secretary, Prototype, Inc.

**1. ROLL CALL**

Chair Steward called the meeting to order at 7:33 p.m. and roll call was taken.

**2. APPROVAL OF MINUTES – May 27, 2008**

Minutes to be amended as follows:

- Page 3, Paragraph 6, Line 1 – replace “Gil” with “Gill”
- Page 4, Paragraph 1, Line 2 – replace “Gil with “Gill”
- Page 4, Paragraph 2 – Ms. Perkins’ title was confirmed as the Chair of the United Ranches Preservation Board and the President of the United Ranches Home Owner Association.
- Page 5, Paragraph 1, Line 1 – replace “year-based” with “EAR-based”
- Page 6, Bullet 6 – replace “identity” with “identify”
- Page 10, Paragraph 3, Line 3 – replace “14<sup>th</sup>” with “26<sup>th</sup>”
- Page 10, Paragraph 4, Line 3 – add the “asked” after “Ms. Pellicane”

- Page 10, Paragraph 7, Line 1 – replace “14<sup>th</sup>” with “26<sup>th</sup>”
- Page 12, Paragraph 3, Line 2 – remove “of”
- Page 12, Paragraph 4, Line 1 – replace “Davie West” with “Davie Oaks”
- Page 13, Item 2 – replace “48<sup>th</sup> Avenue” with “148<sup>th</sup> Avenue”

**Motion** made by Mr. Burgess and seconded by Ms. Pellicane, to approve the May meeting minutes as amended. In a voice vote, the motion passed unanimously.

### **3. OLD BUSINESS**

#### **3.1 Discuss vacating the right-of-way on southern boundary of Oak Hollow Estates (North of Imagination Farms) - Pillar Consultants**

Mr. Lee presented a site plan of the area for the benefit of the OSAC and guests.

Chair Steward asked if the vacation of the right-of-way would affect the trail in any manner. Mr. Lee answered, it would possibly affect the buffer, and advised approximately half of the plats have been developed.

Mr. Eric Johnston of Oak Hollow Estates advised the right-of-way currently contains oak trees and other vegetation that progressively thins as the right-of-way extends west.

Mr. Bart Harp, also of Oak Hollow Estates, stated he believed the Town was to maintain the right-of-way; however, as this was not done, several of the homeowners assumed the maintenance responsibility and removed a portion of the invasive and exotic vegetation.

Chair Steward clarified that the right-of-way in question was not in the open space trail, but rather on the north side of the barrier fence.

Mr. Jay Evans of Pillar Consultants, representing the homeowners of Oak Hollow, presented a survey of the area showing the location of the existing recreational path and asphalt. Mr. Evans stated that Imagination Farms had vacated their half of this right-of-way during the processing of their plat. The right-of-way was originally thirty feet wide and had been dedicated by the old Dade County plats in the 1920's. The homeowners of Oak Hollow would like to do the same.

Mr. Evans advised, the Town currently owns the property for which the right-of-way is located; however, since the Town is not using the property for its dedicated purpose, the homeowners would like to vacate the right-of-way.

Chair Steward clarified that the homeowners would like that right-of-way area to become their property and thus, increase their lot sizes. Mr. Evans advised that was correct.

Mr. Harp stated their intent was to maintain the area at a high level.

Vice Chair Greck asked Mr. Harp to elaborate on the term, "high level."

Mr. Harp advised his intent for the right-of-way at the back of his property is to clean out the scrub plants with the exception of the oak trees, and to landscape to provide a grassy area.

Ms. Pellicane asked if any of the homeowners had contacted the Town to clean out the area.

Mr. Harp advised he had contacted the Town several times with no results.

Ms. Jessica Moyer of Oak Hollow Estates, advised she had been in contact with the Public Works Department, who then came out and cleared the area approximately two weeks ago.

Mr. Diez advised the level of service in that area is to keep only the recreational path mowed.

Mr. Evans asked the Board to keep in mind that the right-of-way area does not fall within the trail area.

Ms. Greck asked if the right-of-way were to be vacated, would the property become the development's common area, or the property of each individual homeowner.

Mr. Evans answered it would become the property of each homeowner.

Mr. Harp stated that the residents to the west of his neighborhood have requested and received the vacation of the right-of-way that existed behind their yards and would like the same consideration.

Chair Steward commented that the OSAC is not aware of the status of the neighbors to the west and therefore, could not take that information as fact.

Mr. Lee stated the Development Review Committee advised, "Vacationing of the fifteen-foot right-of-way is not recommended. The existing fifteen-foot right-of-way may be

converted to a tree buffer easement between the recreational trail and Oak Hollow Estates, residential lots 7 through 19. Engineering is recommending that this request be reviewed and commented on by the Town's Open Space Advisory Board."

Mr. Mungal stated that the comments given, were due to the fact that the Town considers the right-of-way to be a buffer. In addition, he felt if the Town were to vacate the property, there would be no limitations put on the residents; they would be able to fence the property up to the recreational trail.

Mr. Mungal went on to clarify that when Imagination Farms vacated their portion of the right-of-way, it was for the purpose of creating an easement for the recreational trail.

The Engineering Department would prefer the right-of-way area be kept as open space and keep the possibility of any fences installed, to remain at the current property lines.

Ms. Moyer stated she enjoys the recreational trail and does not require to be buffered from the trail users.

Ms. Cox cautioned that if the property were to be vacated and turned over to the homeowners, fences up against the trail would be forthcoming. She also advised that the developer of Oak Hollow was to build an equestrian trail on the east side of the canal, parallel to SW 136<sup>th</sup> Avenue, and that trail is still not completed. Ms. Cox recommended that the OSAC not consider any vacation of the right-of-way until the equestrian trail is completed. Ms. Cox stated that the rocky construction entrance is a hazard to the residents using the recreational path and should be dismantled.

Ms. Karen Stenzel-Nowicki, a resident of Davie, asked if the homeowners were offering anything to the Town in exchange for additional square footage and value being added to their property.

Mr. Harp advised that at the present time, the Town is not maintaining the area, resulting in tree over-growth impeding the bicycle path in addition to harboring rodents and snakes. Mr. Harp stated the homeowners would clean it up and keep it so it looks nice for the residents using the recreational path.

Chair Steward stated that many residents currently living along road right-of-ways, maintain those areas simply because it adjoins their property and would not want to be in view of an eyesore. For all appearances, the right-of-way areas look as if the residents adjoining those areas own them. Chair Steward further stated since the residents of Oak Hollow are currently maintaining an entire acre, the additional fifteen feet of right-of-way would not be a burden to maintain.

Mr. Evans stated that the liability issues of the residents maintaining Town property, would put the residents at risk in the event there were an incident. The purpose of the vacationing of the right-of-way would allow the homeowners to take responsibility and liability of the property.

Ms. Pellicane advised that future homeowners may not have the same intent or vision as the current owners and the Town must consider the long-term possibilities. Ms. Pellicane stated she also did not feel the maintenance of an additional fifteen feet of property would be a burden to the homeowners. Additionally, when homeowners move in next to natural areas, incursion of wildlife is to be expected.

Mr. Burgess inquired as to whether the OSAC should send the request back to the developer to uphold their obligations with respect to the construction of the equestrian trail along the east side of the SW 136<sup>th</sup> Avenue canal, and to then later, consider the vacationing of the right-of-way.

Mr. Evans stated that the residents are not associated with the developer, but merely purchased the property from the developer. The requirements of the developer should be covered under bonds being held by the Town. The homeowners would not have control over the releasing of the bonds with respect to the developers obligations. Mr. Evans felt tying in the requirements of the developer with the request of the homeowners would be unfair.

Mr. Evans further explained that when Imagination Farms requested the vacationing of the other half of the right-of-way, they were able to move the required forty-foot recreational path fifteen feet to the north, thereby allowing more land for the development of the homes. The homeowners of Oak Hollow are merely looking for the same consideration.

Mr. Diez advised that OSAC has other options than vacating the right-of-way to the residents, such as vacating the area to the homeowner's association, thus disallowing the homeowners from encroachment with fences or structures. A temporary maintenance easement could be granted whereby the homeowners could submit a project to the Town for enhancement of the area.

Mr. Diez also pointed out that as the Town is currently purchasing open space parcels within the Town, it did not make sense to give away any Town-owned open space.

Ms. Steier asked how many properties are currently fenced.

Mr. Harp stated there were three properties with fences with over-growth behind the fences. Mr. Harp also stated that the ground is in bad condition due to the developer's site preparation, leaving the area with rock, stumps, mounds of dirt, etc., making maintenance by the homeowners difficult.

Vice Chair Greck advised she would be more inclined to recommend the vacationing of the right-of-way to the homeowners' association with a uniform landscaping plan rather than to leave it up to the individual homeowners.

Chair Steward suggested the OSAC consider vacationing the right-of-way and converting the area to an open space easement similar to the property at Flamingo Road and SW 26<sup>th</sup> Street. Restrictions would then be in place with regard to plants, fences and structures.

Ms. Stenzel-Nowicki felt that an open space or conservation easement would be appropriate for this property.

Mr. Ron Moyer of Oak Hollow Estates stated that vacationing of the right-of-way would not diminish the open space but rather enhance the area, as it would be regularly maintained. Mr. Moyer added that vacating the right-of-way to the homeowner's association and ask the houses on the north side of the street to pay for maintenance on property that abuts the houses on the south side of the street is not fair.

Chair Steward advised that she is not in favor of vacating the right-of-way to the homeowners' association, rather she would like the homeowners to consider converting the right-of-way to an open space easement within the homeowner's property.

Mr. Lee advised that an easement on private property is difficult to regulate.

**Motion** made by Vice Chair Greck and seconded by Ms. Pellicane, to convert the right-of-way to an open space easement, allowing the homeowners to maintain the area consistent to a preconceived development plan and subject to the restrictions placed on the easements. In a voice vote, the motion did not pass with Chair Steward, Ms. Pellicane, Mr. Greenbaum, Mr. Burgess and Ms. Steier opposing.

Ms. Pellicane asked the type of restrictions an open space easement would allow on the property. Chair Steward advised the Town Council would be responsible for determining the restrictions; however, recommendations from the OSAC would be appropriate.

Ms. Pellicane advised, her concerns regarding landscaping would be the potential for invasive and/or exotic vegetation to be planted in the area.

**Motion** made by Mr. Burgess and seconded by Mr. Greenbaum, to support vacating the right-of-way on the southern boundary of Oak Hollow Estates subject to a declaration of restrictive covenants recorded in the public records for each individual property providing no native vegetation is removed, no invasive/exotic vegetation is installed and no fences or structures are installed in the vacated right-of-way. In a voice vote, the motion passed, with Vice Chair Greck and Ms. Pellicane opposing.

### **3.2 Update from Public Works – Manny Diez**

#### **Citrus Park -**

Mr. Diez advised the park formerly known as Math-Igler, is now substantially complete. A purchase order is on the next agenda for the Town Council meeting to purchase some amenities for the park such as benches and signage. The general construction of the round-a-bout is near completion, additional hard and soft-scaping is scheduled for the near future.

Discussion ensued regarding the pedestrian crossing at the round-a-bout. Mr. Diez advised there is an alignment problem at that location and further investigation is necessary to ensure the safety of the pedestrians heading south.

Ms. Pellicane suggested moving the north/south pedestrian crossing further west to allow for a safer crossing.

#### **Flamingo Road Trail -**

The Flamingo Road Trail is scheduled for completion by the end of July. One of the nurseries had been given a deadline to remove several piles of soil blocking trail by the end of the month. Flamingo Road Nursery has a fence extending to the canal; they have agreed to install a gate and open the gate from 7:00 a.m. to 7:00 p.m. Efforts are being made to determine the legality of the gate to possibly extend the hours of access for the trail.

The Stone Brook development has an area of landscaping blocking the trail and had agreed to remove the plants.

### **3.3 Review of Capital Projects and associated funding.**

Mr. Diez stated that Council Member Crowley had asked him to go before the OSAC to review the projects currently in the Capital Improvement Program for construction in 2009. The projects presented were either projects that were highly ranked, or had already had movement with regard to the implementation of the project.

Mr. Diez had advised the OSAC that the projects being reviewed are recommended for funding by the Open Space Bond as there are no alternative funding sources available.

Chair Steward asked the disposition of the grant money obtained for the water play area.

Mr. Holste advised the FRDAP Grant for \$200,000 requires matching dollars from the Town and expires in March of 2009. The Town is unable to obtain additional extensions at this time. If the Town is unable to secure the grant, application for a new grant may be applied for at a future time.

Mr. Diez stated the project cannot be completed for the \$400,000 initially budgeted as the scope of the project had grown dramatically. Inaccurate estimating and increased costs for construction resulted in an under-budgeted project.

A new water filtration system is required as the pool and water play area cannot be treated by the same water filtration system. In addition, the expected occupancy for the area has increased, necessitating additional restrooms.

The Capital Improvement Committee feels confident the current estimate to complete the project is now accurate. Mr. Diez feels the Town can do a better job estimating future projects and plans to make more accurate estimating a priority before projects are given a dollar amount for budgeting purposes.

Chair Steward questioned whether it was appropriate to use Open Space Bond dollars for a pool and water play project.

Mr. Diez explained it was not his intention to endorse the projects in any specific manner, but to merely present the projects for consideration, as there are no other funding sources available.

Ms. Pellicane commented that she had reviewed the entire Capital Improvement package and feels the recreational bridges along Griffin Road is the only project she can support.



Chair Steward pointed out that the development of Sunny Lake could possibly be within the guidelines set forth in the Bond.

Mr. Burgess stated that the Bond funds are to be used, not only for the acquisition of land, but also the development of the property purchased. Mr. Burgess presented a chart to illustrate the percentage of the Bond funds being used in each district, as well as the total bond funds used to date.

Mr. Burgess pointed out that thirty-two percent of the Bond funds available for District 2 are being proposed for the amenities in the Capital Improvement Plan, which represents eight percent of the total Bond funds. The Pine Island Fitness Center, Bamford Park and the Pine Island Park Aquatics Center are all part of one park, and is also the only regional park in the Town of Davie. Mr. Burgess felt these projects should be ranked higher than some of the other proposed projects.

The OSAC discussed the prior recommendations regarding setting aside a certain percentage of the Bond funds for development of the acquired sites; however, the Town Council ultimately did not approve the assigning of a percentage for that purpose.

Vice Chair Greck suggested the OSAC discuss each item on the Capital Improvement Project List individually.

#### Aquatics Center Renovation –

Vice Chair Greck commented that she felt Pine Island Park is the Town's crown jewel of the active parks and the water play area would enhance the park greatly, and also enhance the pool use substantially. Vice Chair Greck admitted she understands how the project grew to proportions that the FRDAP grant and the 1998 Park Bond was not sufficient to complete the project. That being said, Vice Chair Greck stated she felt using Open Space Bond funds to complete this project would be highly inappropriate.

Ms. Pellicane commented that even though Pine Island Park is an active park, it does represent a mix of active and passive uses. In terms of improving use of the park, Ms. Pellicane felt funding a portion of the aquatics and fitness center renovation with the Open Space Bond would be acceptable.

Chair Steward stated at the time the water play area was first presented several years ago, there were no other water parks in the area; however, since then, other municipalities have constructed water play areas in their parks. Due to the economic and budgetary climate, Chair Steward felt the construction of a water play area at this time would be frivolous. With regard to upgrading the filtration and chlorination system,

provisions in the Town's budget to cover on going maintenance items should have been included.

Mr. Diez stated the enhancements for the filtration and chlorination systems are only for the water play area, not for the existing pool. If the water play area were constructed, only then, would enhancements to the existing filtration system be necessary.

Vice Chair Greck asked if the FRDAP Grant was used for the construction already implemented and the planning design and permitting. Mr. Diez answered that the grant was not for those items.

Ms. Steier stated she felt the enhancements to the aquatics center would be of a great benefit to the residents of the Town and that a portion of the project funding should come from the Open Space Bond.

Chair Steward reminded the OSAC there are no other funding sources available to complete the project; therefore, funding only a portion of the project would be inadequate.

Ms. Steier advised she would then be in favor of funding the entire project.

Discussion ensued regarding scaling down the size of the project in an effort to reduce the expenditure necessary to complete the project; however, Mr. Diez pointed out that the basic infrastructure and restrooms could not be scaled down. To reduce the over all size and scope of the water play area would result in a project that would have been better off not being constructed.

Mr. Diez gave a description of the water play area featuring numerous inter-active spray features and a shallow pool area that would increase the overall size of the aquatics center.

**Motion** made by Ms. Pellicane and seconded by Ms. Greck, that Open Space Bond funds NOT be used for the Pine Island Aquatic Park. In a voice vote, the Motion passed with Ms. Steier and Mr. Burgess opposed.

Equestrian Trail Bridges –

**Motion** made by Mr. Burgess and seconded by Ms. Greck, to approve the use of Open Space Bond funds for the construction of the equestrian bridges. In a voice vote, the Motion passed unanimously.

#### Sunny Lake Bird Sanctuary Park Development –

**Motion** made by Mr. Burgess to approve all three projects in District 1: Sunny Lake, Davie Nature Park and Bergeron Park, utilizing Open Space Bond funds. Motion died for lack of a second.

Ms. Pellicane felt Sunny Lake Bird Sanctuary the offers a pleasing mix of uses.

Mr. Diez suggested the motion include the acceleration of the construction as the funds would be available to complete the project instead of phased construction due to budgetary constraints in the General Fund.

**Motion** made by Ms. Pellicane and seconded by Mr. Greenbaum, to recommend Open Space Bond funds be utilized to develop Sunny Lake Bird Sanctuary and the development schedule be accelerated to achieve park completion by 2010. In a voice vote, the Motion passed unanimously.

#### Bergeron and Driftwood Parks Playground Equipment Replacement –

Vice Chair Greck noted that the equipment replacement also includes Berman Park, Waverly Park, Bamford Sports Complex and the spare components kit.

Mr. Diez clarified the location of the playground equipment to be replaced at Pine Island Park was for the area nearest to the tennis courts.

Vice Chair Greck felt she would support this expenditure, as a portion of the Bond dollars should be utilized for enhancements to existing parks but objected to the process of the Town not planning for the replacement of playground equipment prior to the dilapidation of the existing equipment.

**Motion** made by Ms. Greck and seconded by Ms. Steier, to recommend the use of Open Space Bond funds for the replacement of playground equipment at Berman Park, Bamford Sports Complex, Driftwood Park, Waverly Park and the spare components Kit. In a voice vote, the Motion passed unanimously.

#### SW 8<sup>th</sup> Street Park Development –

Mr. Diez reported in addition to the landscaping previously installed, a walking path, basketball court and landscaping for a butterfly garden are included in the Capital Improvement Plan.

Vice Chair Greck felt the surrounding neighborhoods would benefit greatly from this type of park.

**Motion** made by Vice Chair Greck and seconded by Mr. Burgess, to recommend the use of Open Space Bond funds for the SW 8th Street Park Development. In a voice vote, the Motion passed unanimously.

East Davie Nature Park Shade System –

**Motion** made by Mr. Burgess and seconded by Vice Chair Greck, to recommend the use of Open Space Bond funds for the East Davie Nature Park Playground Shade System. In a voice vote, the Motion passed unanimously.

Pine Island Fitness Center –

Vice Chair Greck, again stated this type of expenditure is clearly not within the parameters of the uses for which the Open Space Bond was approved, even though the improvements are sorely needed.

Mr. Burgess commented that many of the expenditures for the Fitness Center should have been addressed in the maintenance budget for the complex.

**Motion** made by Ms. Greck and seconded by Mr. Burgess, to recommend Open Space Funds NOT be used for the funding of the Pine Island Fitness Center major repairs, upgrades and rehabilitation. In a voice vote, the Motion passed with Ms. Steier opposed.

Ms. Steier stated she felt that due to the economic difficulties currently being experienced by many, flexibility with regard to the uses of the Open Space Bond would be appropriate.

Mr. Diez felt the Town Council's decision regarding these capital improvement would hinge greatly on the legal opinion of the Bond Attorney as to the use of Open Space Bond funds for projects that may not fit the description of what many would consider appropriate. In fact, the Bond Attorney had already voiced his opinion that any park improvements may be funded by the Open Space Bond without reservation or limits, regardless of the intent of the voters with regard to the use of the Bond.

Vice Chair Greck asked if Mr. Diez could elaborate on the discussions by some residents regarding the maintenance of several open space easements within the Town.

Mr. Diez stated he was asked by the Town Council to make recommendations regarding the work performed by Public Works and the costs involved in such maintenance and work. Upon examination of the mowing routes, it was discovered that the Town was maintaining several areas adjacent to residents' homes and adjoining public streets. The Code of Ordinances requires the residents maintain the areas from the property line to the street, and does so by using the term, "shall at all times."

Mr. Diez commented he felt comfortable advising the residents by written notification, that the Town of Davie will cease mowing those areas and that this responsibility would fall to those residents. Several residents without homeowner associations, had come before Council with this issue. As a result, the Public Works Department will continue to maintain certain areas that the code instructs otherwise. A savings of over \$40,000.00 would have been realized for the Public Works budget.

Ms. Cox agreed that most of properties being maintained by the Town, should indeed, be maintained by the homeowners. Discussion ensued regarding the recreational path between Treetops Park and the Robbins Preserve where the trail is outside of the community and landscaped with berms, planters and sprinklers. Ms. Cox felt the Town could take a different approach to maintaining the trail corridors than the right-of-way areas in front of peoples' homes with regard to maintenance.

Ms. Cox suggested using Open Space Bond dollars to enhance existing trails and open space parcels, particularly where new homes have been built. Additionally, using Open Space Bond dollars to purchase playground equipment on an open space parcel, would enhance the over all open space experience.

Chair Steward commented she thought the Open Space/Recreation Impact Fee could supplement the funding for the mowing of trail corridors.

For the convenience of the guests in attendance, Item 3.6 was addressed next.

**3.6** Report from Linda Greck regarding a meeting with CM Starkey and the Weekley property owners.

Vice Chair Greck stated she had participated in a meeting with Council Member Starkey, Mr. Evans and Mr. Weekley regarding the potential purchase of the open space parcel located at Flamingo Road and SW 26<sup>th</sup> Street. At a prior OSAC meeting, Mr. Weekley had been asked to return with a proposal for the Town to consider.

Mr. Holste reported the proposal was for the purchase of 7.5 acres, made of up of the southern 4 builders' acres and 110 feet of the east property line running north and south

for the length of the property and abuts Peaceful Ridge Road at a price of \$325,000 per acre.

Mr. Evans pointed out that the 110-foot strip would act as a buffer to the development ultimately built on the rest of the property. Mr. Evans stated there was discussion regarding the possibility of using a portion of the proposed property for the construction of a new fire station.

Mr. Evans stated that Mr. Weekley was looking for support to implement a land use amendment and change the use of the remaining property to a B-2 zoning.

Mr. Holste added that two appraisals had been completed on the property; however, since the appraised values were vastly different, a Review Appraiser is scheduled to review both appraisals and render an opinion as to the more accurate appraisal.

Chair Steward did not feel \$325,000 per acre was a bargain for the Town.

Vice Chair Greck felt the parcel would enhance the equestrian use of the area, but did little to enhance the bicyclists' use of the area.

Ms. Cox commented that the residents in the Old Bridge Run development are amenable to the equestrians using the trail directly behind their home, but felt they would not want a paved bike path in that location. The existing equestrian trail, known as the Peaceful Ridge Trail, is one of the better trails as it is shaded with no vehicular traffic in the area, and connects to the right-of-way behind Rexmere Village leading out to Hiatus Road.

Chair Steward asked if there were any discussion at the meeting, regarding the purchase of only the 110-foot north/south strip at the east side of the proposed purchase property.

Mr. Evans indicated he did not know if Mr. Weekley would consider selling just that portion; the OSAC would need to contact Mr. Weekley again.

Mr. Burgess stated that if the property were to be re-zoned to a B-2 zoning, the Town would likely require some type of recreational path or buffer at that location without having to purchase the 110-foot area of land.

The OSAC discussed the surrounding parks and trails to determine if a purchase at this location is warranted. Mr. Holste advised the Town is currently involved in the closing process for the Devine parcel. The State of Florida had issued additional guidelines to

be used in the clean up process of arsenic in open space or passive park parcels. As a result, no additional clean was necessary on the property.

**Motion** made by Ms. Steier and seconded by Mr. Greenbaum, to recommend the Town Council does NOT pursue the acquisition of the proposed Weekley property purchase as the site does not meet the criteria for purchase with Open Space Bond Funds. In a voice vote, the Motion passed unanimously.

Vice Chair Greck felt the property does meet the criteria for a bond purchase; however, the benefits to the Town is questionable. A larger site may be more beneficial for Mr. Weekley in terms of developing the property.

Mr. Burgess stated the property would still be available for the Town to purchase for the fire station, thereby leaving the existing two-acre open space area in tact.

### **3.4 Discussion of Town Council comments regarding the Open Space Bond**

Chair Steward advised she was present at a prior Town Council meeting. Discussed at that meeting, was the issue of conducting appraisals and receiving recommendations from the OSAC but not giving direction to Staff to move forward and approach the seller to negotiate for the purchase of the property.

Chair Steward had questioned why an appraisal is performed before a contract is reached, as this is the standard procedure in the market place for purchasing real property.

Mr. Holste reported that at the July 16, 2008 Town Council meeting, the four parcels recommended for purchase were discussed. Willing seller letters had been sent to the owners of the Gill, Spykes, Tool and Weekley parcels. The responses of those letters were reviewed by Council; however, only a review appraisal was ordered for the Weekley property.

Chair Steward asked if there were any reason why the Council does not negotiate and enter into a contract prior to ordering an appraisal.

Mr. Holste replied that in order to use Bond Funds to purchase a property, the Town is limited to a purchase price of not more than ten percent beyond the appraised value, hence the value of the property is necessary in order to negotiate a purchase price. Arbitrarily performing appraisals on all sites considered by the OSAC was also not recommended by Staff. Instead, appraisals will only be conducted on the most desired parcels.

Mr. Holste stated that the Gill parcel had received much discussion at the Town Council meeting; however, no direction to Staff was given. The Tool parcel's asking price was perceived to be too high and the owners of the Spykes property were not willing to subdivide the parcel.

Chair Steward commented that she would like to see the Town Council move forward with the purchase of the Gill property. The existing appraisal is now out-dated and a new appraisal would need to be conducted before negotiations can continue.

Chair Steward also reported that Council Member Kaletka was diligently working on projects to spend the Open Space Bond funds allocated to District 1. Discussion regarding the purchase of several abandoned homes to demolish and implement neighborhood pocket parks. In addition, Council Member Kaletka would like to enlarge the changing rooms at the Betty Booth Park by the pool area and make improvements at Veteran's Park.

Mr. Crowley had directed Staff that all expenses to the Bond fund be first reviewed by OSAC; Chair Steward was pleased with that direction.

Mr. Burgess asked if the OSAC had made recommendations for the property south of Potter's Park and the adjoining parcel. Chair Steward advised the subject had come up before Council and the result of the discussion was that the residents in District 1 were not in favor of the improvements recommended by the OSAC.

Mr. Holste stated District 1 is a unique district as the parks are currently concentrated in certain areas and other areas where additional parks would be appropriate, there is no room.

Chair Steward stated District 1 needs to be thought of in terms of redevelopment.

Ms. Pellicane suggested looking into making connectors in District 1 to take the residents safely to the existing parks.

### **3.5 Report from Toni Webb on Agricultural Advisory Board meeting**

Ms. Webb was unable to attend the June AAB meeting and the July AAB meeting was cancelled. Attempts will be made to attend the next AAB meeting.

Mr. Holste did attend the AAB meeting and presented an example of pvc trail markers discussed at that meeting used in the past. The purpose of the trail markers would be



for location identification in the event of an emergency, spaced at one-quarter mile intervals, depending on costs.

Ms. Cox pointed out that the pvc trail markers were abused by the residents, hence the need for concrete markers.

Mr. Holste pointed out the current concrete trail markers were installed at great cost to the Town; Ms. Cox countered that those markers are still in place, whereas, the pvc markers are gone.

Chair Steward remarked that members of the OSAC will continue to make an effort to attend the AAB meeting and that the members of OSAC are in favor of a trail marker system.

Mr. Holste stated the recommended funding source for trail marker would be the Open Space Bond.

Vice Chair Greck felt that would be appropriate, as the markers are considered trail improvements.

### **3.6 New traffic crossings and signals**

Chair Steward stated the lights and markers have been installed at the intersection of Flamingo Road and Orange Drive.

Representatives from the Department of Transportation conveyed to Chair Steward during a telephone conversation, that the crossing light had been scheduled for some time and was finally installed.

No new information was available regarding the pedestrian crossing located at Pine Island Road and Orange Drive. Ms. Pellicane volunteered to visit the area and report back at the next OSAC meeting.

Discussion ensued regarding the proposed pedestrian crossing located on Nob Hill Road at the Davie Spine Trail. Ms. Cox stated that the visibility is adequate to allow pedestrians to cross, but was doubtful the crossing would meet the traffic requirements to obtain a crossing light.

Chair Steward felt if the crossing area on Nob Hill Road was visibly marked, crossing would be made safer for the equestrians and pedestrians.

Vice Chair Greck commented that she was not sure if the OSAC had ever made a recommendation to pursue a crossing signal, even though there was much discussion in the past.

No sign designs had been forthcoming from Public Works to alert drivers to the potential for pedestrian crossings at other crossings as previously requested.

Vice Chair Greck volunteered to contact Mr. Diez for a sign design and will report back at the next OSAC meeting.

### **3.8** Update on recent additions to trail maps and timeliness for EAR

Chair Steward asked if the additions to the trail map would be included in the Comprehensive Plan; Mr. Holste confirmed the additions were received in time and will come before the Town Council during the month of September.

### **3.9** Discuss monthly OSAC meetings

Chair Steward stated that the Agricultural Advisory Board meets once monthly in the Pioneer Room at Town Hall and suggested combining the two meetings on an every other month basis to discuss joint issues only.

Ms. Steier stated she had heard from members of the Parks and Recreation Advisory Board, that their agenda is sometimes sparse and would consider changing their schedule with the OSAC.

Mr. Lee stated he would look into the possibility and report back to the members of the OSAC.

**Motion** made by Chair Steward and seconded by Ms. Greck, to recommend the OSAC Meeting be held monthly, instead of every other month. In a voice vote, the Motion passed unanimously.

### **3.10** Discuss Open Space Brochure – Braulio Rosa

Mr. Rosa was not able to attend, the item was tabled to the next OSAC meeting.

## **4. NEW BUSINESS**

There was no new business to discuss.

## **5. AGENDA ITEMS FOR NEXT MEETING**

Equestrian Crossing design and monthly meeting for OSAC members.

## **6. COMMENTS AND/OR SUGGESTIONS**

Ms. Cox complimented Ms. Steier on her motion regarding the Weekley property as the OSAC was being asked to provide the buffer between Mr. Weekley's business proposal and the residential area. Ms. Cox stated a 110-foot corridor would be a "maintenance nightmare" and simply too large.

Ms. Cox voiced her disappointment with the Town Council regarding the efforts OSAC had made to control the spending of the Open Space Bond funds by way of the bond criteria submitted by the OSAC. Ms. Cox believes the intent of Council and the OSAC members has always been clear with regard to the type of expenditures expected from the Bond funds and for the Bond Attorney to advise Council that they can spend the money in a manner not in keeping with that original intent is not right.

Ms. Cox stated that the Parks and Recreation Advisory Board should move forward to acquire their own bond to implement the improvements needed in our active parks.

Ms. Cox was also pleased to see the OSAC using Open Space Bond dollars for open space and trail enhancements instead of buying numerous properties scattered about the Town, adding to the existing maintenance requirements. Care must be taken not to overwhelm the Town with the maintenance of these areas leading to the demise of the Open Space program.

Ms. Pellicane stated she felt Mr. Diez was correct when he had decided to write the letters to the residents regarding the maintenance of right-of-way areas adjacent to private property, especially in the current fiscal climate.

Ms. Cox felt that if Council were to review the different areas notified by Mr. Diez, they would have found his actions to be legitimate.

Vice Chair Greck was concerned the issue of trail maintenance may become a "sore spot" within the community. She felt the OSAC members should review the back up information regarding the mowing of right-of-way areas to determine if support is warranted.

Vice Chair Greck commented that she was also concerned about the comments from the Bond Attorney and again the lack of diligence from the Town regarding the language

of the Bond. The OSAC members and the residents are needed to go before Council and voice their dismay about spending bond dollars outside of the original intent of the voters.

Ms. Steier felt the support for the Bond that was originally responsible for the passing of the Bond would not necessarily be there today due to the current economic climate. The OSAC members felt the Bond would likely not pass if were to come to a vote again, but believed the residents that had voted for the Bond would not support expenditures outside of the original intent.

Mr. Holste explained to the Committee Members that the Bond Attorney issued two opinions asked of him. The first being the expenditures for the SW 8<sup>th</sup> Street Park and the fact that the location of the park had changed from District 4 to District 3. The second, being the fencing for the park and the use of Bond dollars to pay for that expenditure.

The Bond Council only referred to the ordinance approving the Bond Referendum, including the Bond language, and to the resolution that actually issued the Bond. He does not reference any criteria put together by the OSAC as he is referring to actual Bond language. He is not looking at intent, only the actual language involved before rendering his opinion.

Ms. Pellicane stated that the use of bond dollars for other than the original intent is defensible by law pursuant to the language of the ordinance and resolution; however, she hoped the Town Council would uphold the original intent of the votes.

## **7. ADJOURNMENT**

Having no more business to discuss, the meeting adjourned at 10:58 p.m.

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Approved

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Chairperson/Committee Member